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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/800,194	03/12/2004	Arthur A. Kalinski	04-0033-02	8733
36389	7590	05/19/2005	EXAMINER TON, ANABEL	
GEORGE R. REARDON 3356 STATION COURT LAWRENCVILLE, GA 30044			ART UNIT 2875	PAPER NUMBER

DATE MAILED: 05/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/800,194

Applicant(s)

KALINSKI, ARTHUR A.

Examiner

Anabel M. Ton

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 and 14 is/are rejected.
- 7) ☒ Claim(s) 13 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-2, 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Haenen et al (6,616,307).

3. Haenen discloses a system operable for selection of light sources of different color temperatures, the light sources are cool burning fluorescent light bulbs (Abstract, figs 1-4); With regards to method claim 14, Haenen is considered to anticipate the structural limitations of the claim; see Abstract, col. 3 lines 31-39 and col. 6 lines 17-20.

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claim 12 is rejected under 35 U.S.C. 102(b) as being anticipated by Stephens (5,890,793).

5. The recitation " a lighting system operable for selection of light sources of different color temperatures" has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

6. Stephens discloses a compact carrying case, and a mounting block disposed within the case and a mounted block disposed within the compact carrying case wherein the mounted block is operably for secure attachment to a tripod (figs 1-3, 7,8)

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 3-9,11 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haenen et al as applied to claim1 above, and further in view of Stephens (5,890,793).

9. Haenen discloses the claimed invention except for the recitation of a tripod releasably attached to the lighting system and a carrying case. Stephens discloses a tripod removably attached to a lighting system including a carrying case. It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the removable tripod in the device of Haenen for the purpose of providing the lighting device with a means for holding the lighting device in a desired position for illuminating a desired area, furthermore the implementation of a carrying case as taught by Stephens in the device of Haenen would have been obvious for the purpose of providing a transportable means for the lighting device, tripod and inner components of the lighting device. Haenen discloses a reflector releasably attached to the lighting system (1) and a diffuser releasably attached to the lighting system (10), the diffuser is operable for collapsing (vague term, Haenen is considered to anticipate it)

10. With regards to the reflector being an umbrella, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use an umbrella as a reflector since such a practice is commonly used in the photography art for the purpose of providing diffusive illumination to a desired area. (See cited prior art Migliori et al).

11. With regards to using compact floodlight fluorescent bulbs. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use such bulbs in the device of Haenen for since compact floodlight fluorescent bulbs are old and well known in the illumination art for their intensity of the light emission.

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12. With regards to the system further comprising a translucent cover and the case further comprising a translucent top, column 6 of the Stephens (793) reference recites a case wall made of rigid plastic. It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the plastic case wall of Stephens transparent (i.e. plexiglass) to enable the user to see inside the device.

13. Claims 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Stephens (6,109,757).

Stephens discloses the claimed invention except for the recitation of two three-way switches and two transformers. Stephens discloses a specially molded case (14), a three-way switch (col. 6 lines 65-67), a transformer (inherently in the ballast if fluorescent bulbs are used), a power cord (80), four twin tube compact fluorescent bulbs of four-color temperatures (col. 5 lines 36-45). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have two three-way switches and two transformers in the device of Stephens since it has been held that mere duplication of essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

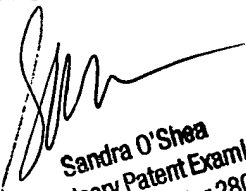
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anabel M. Ton whose telephone number is (571) 272-2382. The examiner can normally be reached on 08:00-16:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AMT

Anabel M Ton
Examiner
Art Unit 2875



Sandra O'Shea
Supervisory Patent Examiner
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